

E-FILED

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12-24-2020, 08:00

Scott G. Weber, Clerk
Clark County

**IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
FOR THE COUNTY OF CLARK**

**AMBER NOLLKAMPER, an individual,
Plaintiff,**

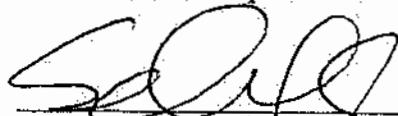
v.

**SHIN-ETSU HANDOTAI AMERICA INC.,
a foreign corporation, *dba* SEH America,
Defendant.**

Case No. 20-2-02465-06

SUMMONS (20 days)

TO SHIN-ETSU HANDOTAI AMERICA INC.: A lawsuit has been started against you in the above-entitled court by Amber Nollkamper. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons. In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what she asks for because you have not responded. If you serve a notice of appearance on the undersigned person you are entitled to notice before a default judgment may be entered. Any response or notice of appearance which you serve on any party to this lawsuit must also be filed by you with the court within 20 days after the service of summons, excluding the day of service. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time. This summons is issued pursuant to Rule 4 of the Civil Rules for Superior Court of the State of Washington.



David A. Schuck, WSB 37285
dschuck@wageclaim.org
Attorney for Plaintiff
208 E 25th Street
Vancouver, WA 98663
Telephone Number: (360) 566-9243

DATED: December 23, 2020.

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ATTACHMENT A

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8 **IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON**
9 **FOR THE COUNTY OF CLARK**

10 **AMBER NOLLKAMPER, an individual,**

11 Plaintiff,

12 v.

13 **SHIN-ETSU HANDOTAI AMERICA INC.,**
14 a foreign corporation, *dba SEH America*,

15 Defendant.

Case No. 20-2-02465-06

COMPLAINT (Unlawful
Employment Discrimination)

Jury Trial Requested

16 COMES NOW the plaintiff Amber Nollkamper, by and through the attorneys at
17 Schuck Law LLC, and for her complaint against Defendant alleges as follows:

18 I. PARTIES

19 1. Plaintiff Amber Nollkamper is an individual who at all times material resided in Clark
20 County, Washington.

21 2. Defendant Shin-Etsu Handotai America Inc. (*dba*, and hereinafter, "SEH America" or
22 "SEH") is a foreign corporation licensed and authorized to do business in the State of
23 Washington and which is doing business in Clark County.

24 II. JURISDICTION / VENUE

25 3. Plaintiff was employed in Clark County, Washington; and all acts complained of
26 affecting her employment and giving rise to this litigation occurred in Clark County,

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1 Washington; and subject matter jurisdiction, personal jurisdiction, and venue are properly
2 before this Court.

3 **III. INTRODUCTION AND FACTS COMMON TO CLAIMS**

4 4. Defendant SEH America and its purported parent company, SEH Ltd., hold
5 themselves out as the world's largest manufacturer / producer of semiconductor silicon
6 wafers, which are used in computer circuits.

7 5. Defendant hired Plaintiff in or around April 2018 as part of Defendant's "IT / IS"
8 subdepartment. Defendant's IT / IS positions deal, broadly and in simple terms, with
9 Defendant's information systems and software. Plaintiff was hired as an IT / IS Supervisor.

10 6. Defendant had four IT / IS Supervisors, including Plaintiff. Defendant admits and
11 argues that one of the four positions, held by a Mr. Zatarian, has a substantially reduced scope
12 of duties and qualifications as compared to the other IT / IS Supervisor positions, and is paid
13 less. Plaintiff generally agrees with this characterization.

14 7. "Supervisor" is the lowest level of the supervisory- or managerial-level jobs discussed
15 herein. Above Supervisor in position and pay, at least on paper, is Senior Supervisor; above
16 that, Manager, and above that, Vice President.

17 8. Although Defendant has a substantial number of Senior Supervisor, Manager, and
18 Vice President positions, it employs no women as Senior Supervisors, only two women as
19 Managers (one of whom is a non-supervisory "Manager"), and no women as Vice Presidents.

20 9. Defendant's ultimate and key decisionmakers on matters of pay and promotion such as
21 those affecting Plaintiff are all men.

22 10. Plaintiff has often heard Defendant's employees, including various supervisory-level
23 employees, refer to Defendant's all-male group of Senior Supervisor and nearly-all-male group
24 of Managers as a "good ol' boys' club" or similar words to that effect.

25 11. Defendant's four IT / IS Supervisors, including Plaintiff, all reported to a single IT / IS
26 Manager. With the exception of Plaintiff herself, all these people are male.

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1 12. Plaintiff was originally approached and interviewed for her position as IT / IS
2 Supervisor by the IT / IS Manager, who was familiar with her qualifications and capabilities.
3 from their previous work together at a different company.

4 13. Plaintiff communicated with the IT / IS Manager and with Defendant's Human
5 Resources during her hiring process. During those hiring discussions, the IT / IS Manager
6 asked Plaintiff for her salary demands. Plaintiff responded with a range of \$120,000 -
7 \$130,000, which – although unbeknownst to Plaintiff at the time — is in the general range of
8 what Defendant pays its other IT / IS Supervisors, with the exception of the position with
9 reduced duties as referenced above.

10 14. The IT / IS Manager also asked Plaintiff for her current salary information, which
11 Plaintiff divulged.

12 15. The IT / IS Manager indicated that it was impossible for Defendant to meet Plaintiff's
13 salary demand.

14 16. Defendant initially offered to pay Plaintiff a salary of \$102,000, which was less than
15 Plaintiff demanded, less than it paid the other two comparable male supervisors, and less than
16 Plaintiff had divulged that she was already making in a different job.

17 17. Defendant ultimately raised its offer to \$105,000, which was still less than Plaintiff
18 demanded, less than it paid the other two comparable male supervisors, and less than Plaintiff
19 had divulged that she was already making in a different job. Defendant's IT / IS Manager
20 stated that it was not possible for Defendant to offer her more or to pay her more.

21 18. However, being interested in what she believed to be the challenges and opportunities
22 of the position, Plaintiff accepted.

23 19. Plaintiff was assigned to supervise a team of IT / IS employees. Plaintiff assembled
24 her own team in part and chose to include well-qualified women employees on her team, as
25 there exists no reason not to do so.

26 20. Plaintiff's team was the only IT / IS team that had any women on it. The other three.

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1 IT / IS Supervisors were all men, and all the employees on each of their teams were also all
2 men, and the IT / IS Manager was also a man, and the upper-level management to whom he
3 reports are also entirely men. A lone female contractor was once assigned to work with one
4 of the all-male IT / IS teams, but promptly quit. Only Plaintiff's team included any women.

5 21. Defendant allowed and permitted the other IT / IS Supervisors and their all-male
6 teams to harass, deride, and mock Plaintiff and her team because Plaintiff is a woman and
7 because her team included women. Such offensive behaviors and comments include but were
8 not limited to the male IT / IS employees from other teams displaying pornography in the
9 workplace, the male IT / IS Supervisors and Manager refusing to put a stop to it when
10 Plaintiff and the women on her team complained, and one of the male IT / IS Supervisors
11 publicly referring to Plaintiff's team as "the PMS team" because the team included women.

12 22. These behaviors and comments were intended to have the effect, and did have the
13 effect, of being offensive and insulting to Plaintiff and to the women on her team, of belittling
14 their skills and contributions and concerns, and of imposing harassing, intimidating,
15 offensive, and hostile circumstances upon them in their workplace because they were women.

16 23. Plaintiff and the women on her team complained of the above incidents and others like
17 them, but Defendant did not put a prompt stop to the offensive behaviors, and instead
18 condoned the sexist and discriminatory conduct and the offensive and hostile work
19 environment it created.

20 24. Defendant's IT / IS Manager was particularly aligned with and sympathetic to the
21 worst harasser, an IT / IS Supervisor whose conduct included calling Plaintiff's team "the
22 PMS team." Defendant and its Manager sheltered and protected this employee from
23 repercussions and refused to impose any significant discipline or to put a stop to his offensive
24 conduct. To the contrary, the Manager frequently referred to this employee, with admiration
25 or affection, as the "father" and "patriarch" of the IT / IS subdepartment.

26 25. At the same time the Manager praised this Supervisor as a "father" and "patriarch"

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1 while he conducted a campaign of harassment against Plaintiff and other women on her IT /
 2 IS team, he was on information and belief also receiving multiple complaints about this
 3 Supervisor's poor performance more generally. The ultimate response was that the Manager
 4 reassigned many of this Supervisor's subordinates to report to the Manager directly, all while
 5 praising the harassing supervisor as a "father" and "patriarch" of the IT / IS subdepartment
 6 and refusing to impose any consequences on him for his harassing behavior.

7 26. Plaintiff understands that this Supervisor has since been given the title of IT / IS
 8 "Architect." Plaintiff understands that this was neither a demotion nor a pay cut, but was
 9 nonetheless motivated by the Supervisor's poor performance in his role as Supervisor.
 10 Plaintiff also understands that this kind of "failing upwards" is not uncommon for male
 11 employees in supervisory-level jobs with Defendant.

12 27. Despite the hostility from many of the men in the IT / IS group and its pervasive
 13 culture of sex discrimination, Plaintiff excelled in her position and was given additional
 14 authority and responsibility. For example, she co-chaired the Technology and Steering
 15 Committee along with the IT / IS Manager. Plaintiff understands that chairing a committee
 16 such as this is ordinarily Manager-level work, which is two steps above Supervisor in title and
 17 pay grade. Indeed, the IT / IS Manager expressed this to her, along with his opinion that
 18 Plaintiff was qualified for a Manager-level position.

19 28. In or around the summer of 2019, the IT / IS Manager approached Plaintiff about the
 20 direct hiring of some IT / IS staff who were then working for Defendant as contractors. The
 21 IT / IS Manager also specifically stated to Plaintiff that Defendant wanted to hire one or more
 22 contractors directly because it anticipated that this would be less expensive and would save
 23 money.

24 29. The IT / IS Manager asked Plaintiff to draft a potential job description for one such
 25 contractor in particular, who was male. This contractor was Plaintiff's subordinate and
 26 reported to her, and would continue to do so as a direct hire.

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1 30. Plaintiff agreed that her subordinate was potentially a good candidate for direct hire
2 and drafted a job description to hire him directly as a “Business Partner / Project Manager.”
3 This is not a supervisory or management-level position, but is one of the internal job titles
4 used by Defendant for the kind of work this person was already doing as a contractor. As a
5 direct hire, this employee would report (and did in fact continue to report) to Plaintiff, who
6 was his Supervisor and his superior.

7 31. In making an offer to this contractor, Defendant altered the proposed job title for this
8 employee to “IT / IS Engineer.” It did so without consulting Plaintiff about the employee’s
9 role or the scope of his duties, nor about his performance as a contractor under her
10 supervision. Plaintiff understands that the only real distinction between the title she proposed
11 and the one Defendant chose to use is that use of the word “Engineer” in a job title is
12 considered to carry additional prestige within Defendant’s internal hierarchy, and is thus more
13 likely to place the employee on a more rapid track for advancement or similar beneficial
14 employment opportunities.

15 32. Defendant offered to hire the contractor at a higher salary than it paid Plaintiff, even
16 though Plaintiff was his Supervisor and superior, and even though it had told Plaintiff that it
17 could not possibly offer her more money or meet the salary demand she had presented at hire.

18 33. Defendant informed Plaintiff of these decisions after-the-fact but did not seek her
19 input or approval. To the contrary, Plaintiff protested the decisions immediately upon
20 learning this information.

21 34. Defendant has argued and admitted that it paid Plaintiff’s male subordinate more than
22 it paid Plaintiff because Plaintiff’s team was being tasked with a large email migration project
23 and the subordinate had prior experience in such a task. But Plaintiff had much more recent
24 experience in that type of project than the subordinate did, as the IT / IS Manager knew,
25 having worked with her on such a project at a different company not long before she began
26 working for Defendant and having – presumably – reviewed both Plaintiff’s resume and that

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1 of the subordinate. Moreover, many of the types of specific tasks on this project that
 2 Defendant claimed it hired the male employee to perform, it actually chose to outsource to a
 3 third-party company.

4 35. Defendant has argued and admitted that it paid Plaintiff's male subordinate more than
 5 it paid Plaintiff because the email migration project involved coordination with Defendant's
 6 Japanese affiliates and parent or sister companies, and the subordinate spoke some Japanese.
 7 But in anticipation of this project, Plaintiff had already successfully advocated to have a well-
 8 qualified female employee who was also a native, fluent Japanese-speaker transferred to her IT
 9 / IS team from a different department. Plaintiff understands that Defendant paid this female
 10 employee less than half of what it paid the male employee, who was less fluent in Japanese
 11 and often relied on his female colleague for assistance with the language. Defendant also did
 12 not award the female employee some sort of internally-prestigious title.

13 36. Defendant has argued and admitted that it paid Plaintiff's male subordinate more than
 14 it paid Plaintiff simply because that was the male subordinate's salary demand. Defendant
 15 made no similar attempt to meet Plaintiff's salary demand, but instead probed into her then-
 16 current pay and told her it could not possibly even match that, let alone her salary demand.

17 37. Plaintiff protested and objected to Defendant's hiring of a male subordinate at a higher
 18 pay rate than it was paying Plaintiff, and again demanded of the IT / IS Manager that
 19 Defendant meet her initial salary demands or otherwise raise her pay, which would have put
 20 her salary in a comparable range to that of the other two, male, more-highly-paid IT / IS
 21 Supervisors. The Manager gave evasive answers such as that he would look into it, but took
 22 no significant action to correct the pay differential of which Plaintiff is aware, and the
 23 differential was not corrected.

24 38. Not long after Defendant hired a male subordinate onto Plaintiff's team at a higher
 25 salary than it was paying Plaintiff, the IT / IS Manager began to require use of some
 26 emergency personal and / or medical leave. In his absence, an increasing number of his duties

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1 fell to Plaintiff. For example, while she had previously co-chaired committee assignments
2 with the Manager – which was, as noted above, work that Plaintiff understands is ordinarily
3 assigned to Managers – now she acted as sole chair. In addition, subordinates of the
4 Supervisor who harassed Plaintiff and her team, who had previously been instructed to report
5 directly to the Manager due to that Supervisor's incompetence, were now going directly to
6 Plaintiff for work information and instructions.

7 39. Plaintiff continued to complain about the unfair pay differential to the Manager, and
8 also to assume increasing numbers of his duties while he needed to be absent, but continued
9 to receive evasive answers to her demands for appropriate pay, and nothing was done to
10 correct the problem. Instead, Defendant directed Plaintiff and her team to start reporting to a
11 different Manager, who was not part of the IT / IS subdepartment and was outside of the
12 ordinary chain-of-command for the IT / IS teams.

13 40. The new Manager, another man as virtually all of Defendant's higher-level
14 supervisory employees are, expressed immediate hostility, disdain, and criticism towards
15 Plaintiff and her team, which was still the only IT / IS team with any women on it. The
16 Manager openly belittled and derided Plaintiff's team, stated to Plaintiff that he saw no reason
17 for the team's existence and thought it was a waste of money, demanded that Plaintiff justify
18 her entire team's existence to him, and was otherwise openly hostile and critical towards
19 Plaintiff and Plaintiff's team.

20 41. Plaintiff observed no similar opinions, attitudes, or behaviors from this Manager in
21 regards to the male IT / IS Supervisors or their all-male IT / IS teams.

22 42. In addition to belittling and demeaning Plaintiff and her team, the new Manager
23 further demanded that Plaintiff perform tasks of the type ordinarily assigned to Plaintiff's
24 subordinates or other lower-level IT / IS employees on other teams. Plaintiff perceived that
25 the Manager treated her as though she were equal in level and stature to her own subordinate
26 employees. Plaintiff protested that she was being assigned the work of a subordinate and was

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1 being treated disrespectfully and not in accordance with her position as a Supervisor. The
2 Manager nonetheless demanded that Plaintiff perform a subordinate's tasks; and as she was
3 directed to do so in her job, Plaintiff performed all tasks assigned to her.

4 43. Around and following this same time period, the original IT / IS Manager began
5 unloading awkward personal information onto Plaintiff, during work time, and without
6 invitation to do so. For example, he began disclosing suspicions about his wife, who was also
7 herself a former employee of Defendant, including that he was performing and / or intended to
8 perform electronic surveillance on her. Plaintiff found these kinds of statements alarming and
9 uncomfortable.

10 44. Plaintiff does not believe that the Manager raised these kinds of topics with any male
11 employees, nor that he would have said these kinds of things to her except for the fact that she
12 is a woman. Because she is a woman, the Manager disregarded that his relationship with
13 Plaintiff was a business relationship, and chose to unload his awkward and alarming personal
14 emotional material on her because he wished to vent and / or because he wished to make
15 Plaintiff uncomfortable. In doing so, he used his position of authority as Plaintiff's superior
16 to require Plaintiff to act as his personal "emotional support system" and foisted an
17 expectation upon her that she be a sympathetic ear as he made alarming and disconcerting
18 statements about his plans *vis a vis* his wife, who was herself a former employee of
19 Defendant. These and other biased gender stereotypes and expectations were routinely
20 imposed on Plaintiff in the course of her employment because Plaintiff is a woman.

21 45. Although he unloaded all sorts of uncomfortable, awkward, and alarming personal
22 information onto Plaintiff during work time, the Manager still did not take any action of
23 which Plaintiff is aware to address Plaintiff's pay complaints, and no change was made to
24 address Plaintiff's lower pay rate.

25 46. During her employment with Defendant, Plaintiff observed that Defendant advances
26 its male employees at a faster rate than its female employees; pays its male Supervisors more

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1 than its female Supervisors; and likewise pays other male employees more than female
2 employees who do the same or comparable work; and it employs virtually no women in its
3 upper management.

4 47. On average, Defendant pays its male Supervisors more than it pays its female
5 Supervisors. On information and belief, this is also true of its male and female Managers.

6 48. On average, Defendant promotes men into Supervisor positions roughly twice as
7 quickly as it promotes women into those positions. Phrased another way: the time from hire
8 to promotion to a Supervisor position is for men about half that which it is for women.

9 49. On average, Defendant promotes men into the higher-level Senior Supervisor
10 positions more quickly than it promotes women to even the lower-level Supervisor positions.
11 None of Defendant's Senior Supervisors are women.

12 50. To Plaintiff's knowledge, only three women have ever attained a title above
13 Supervisor or the pay raise that comes with such higher-level management positions within
14 Defendant's business. All of its Senior Supervisors are men. All but two of its Managers are
15 men. All its Vice Presidents are men. Its Executive Vice President is also a man.

16 51. Plaintiff complained to Defendant about its culture of discrimination and acts of
17 harassment by male employees, its failure to advance any women into higher-level roles, and
18 its failure to pay women – including herself – comparably with men of equal title and / or
19 substantially similar scope of work and responsibility. Plaintiff protested and objected to
20 Defendant's unlawful practices and to its culture of discrimination.

21 52. The explanations that Defendant gave Plaintiff for its inequitable treatment and pay of
22 women rely on highly subjective criteria subject to both implicit and explicit bias, and which
23 evidence a culture of discrimination just as Plaintiff complains. To the extent that Defendant
24 puts forth objective criteria for job positions or for advancement, it readily waives those
25 criteria for men while strictly enforcing them against women, and / or claims to assign value
26 to qualifications in male employees while discounting those same qualifications in women

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1 employees.

2 53. There is no process at Defendant's business through which women can attain positions
3 above Supervisor. Defendant only advertises upper-level management positions when it seeks
4 to deny such positions to well-qualified women employees, whereas it readily awards
5 promotions and pay increases to men without application or competitive process. Its policies
6 and practices encourage sex-based bias in assessing and applying criteria for promotion. To
7 the extent it employs any objective criteria, it enforces them harshly against women but
8 waives them for men, and it discounts the same qualifications in women employees that it
9 ascribes value to in men. Its job descriptions and promotion descriptions do not even
10 reference equal employment opportunities. Its decisionmaking is frequently based on gender
11 stereotypes that disadvantage women.

12 54. Plaintiff originally accepted her job with Defendant because she believed it would be a
13 good opportunity to grow or expand the position in accordance with Defendant's anticipated
14 needs, and to further advance her career. However, after about two years of enduring all of
15 the aforementioned, and complaining of it all without correction, and instead being subjected
16 to continued harassment and discrimination and to retaliatory treatment and belittlement of
17 her work, all because she is a woman and because her IT / IS team included women, it became
18 apparent to Plaintiff that these aspirations were unlikely to be realized. It was obvious to her
19 that the primary obstacle she faced in her employment with Defendant was that she is a
20 woman.

21 55. Fed up with the discriminatory and harassing treatment, the belittling conduct, the
22 lower pay of herself and other qualified women, and Defendant's failure to correct any of it
23 despite complaints, Plaintiff quit.

24 56. After Plaintiff quit and made her intention to pursue a legal complaint clear, she
25 received a harassing and personally insulting anonymous letter by mail, which she suspects
26 was sent by an agent or representative of Defendant insofar as the sender had access to her

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1 personal mailing address and the letter appeared to reference her employment-related legal
2 complaints.

3 57. Plaintiff further understands that a number of women in Defendant's employ have
4 made either formal or informal complaint of Defendant's culture and practice of sex-based
5 discrimination. Defendant is aware of the discrimination, and fosters and perpetuates it.

6 58. The above-listed examples of Defendant's policy and culture of sex discrimination,
7 and of its unlawful and discriminatory practices and conduct towards Plaintiff, are non-
8 exhaustive. Plaintiff reserves the right to raise additional facts and / or to amend her
9 Complaint in accordance with the evidence and as continuing facts develop.

10 **IV. CLAIMS**

11 **CLAIM ONE: VIOLATIONS OF TITLE VII**

12 **Sex Discrimination**

13 59. Plaintiff reasserts and incorporates by reference all paragraphs, as though fully set
14 forth herein again.

15 60. Defendant discriminated against Plaintiff in violation of 42 USC 2000-e *et. seq.* by
16 paying her less than her male counterparts and colleagues with similar jobs, job titles, and / or
17 responsibilities, for work performed under the same or similar circumstances.

18 61. Defendant discriminated against Plaintiff in violation of 42 USC 2000-e *et. seq.* by
19 denying her the pay commensurate with the work and responsibility it requires of her position.

20 62. Defendant discriminated against Plaintiff in violation of 42 USC 2000-e *et. seq.* by
21 denying her the pay commensurate with the work and responsibility of her male counterparts
22 and colleagues with similar jobs and / or responsibilities, for work performed under the same
23 or similar circumstances.

24 63. Defendant discriminated against Plaintiff in violation of 42 USC 2000-e *et. seq.* by
25 fostering, permitting, condoning, and failing to put a stop to continuing acts of harassment and
26 discriminatory conduct and commentary in Plaintiff's workplace, which were insulting and

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1 offensive to Plaintiff and to her female co-workers.

2 64. Defendant treated Plaintiff disparately and less favorably than her male counterparts
3 and colleagues with respect to her wages, position, and other terms and conditions of
4 employment.

5 65. Defendant's policies, procedures, and practices produced a disparate and
6 disadvantageous impact on Plaintiff and other women with respect to wages, position, and
7 other terms and conditions of employment.

8 66. Defendant denied Plaintiff equal terms, conditions, benefits, and privileges of
9 employment, all because Plaintiff is a woman.

10 67. Defendant's unlawful and discriminatory practices and policies, and its unlawful and
11 discriminatory treatment of Plaintiff persisted throughout the course of Plaintiff's employment
12 with Defendant.

13 68. Rather than putting a stop to its unlawful practices, Defendant responded to Plaintiff's
14 complaints by retaliating against Plaintiff in a manner intended to discourage Plaintiff from
15 pursuing her legal rights and remedies and to punish her for objecting to Defendant's unlawful
16 sex discrimination.

17 69. Plaintiff has exhausted her administrative remedies and her Complaint against
18 Defendant is timely filed.

19 70. Plaintiff has sustained damages as a result of Defendant's discriminatory conduct.

20 71. Defendant's unlawful conduct has been and is deliberate, willful, malicious, and / or
21 conducted in reckless and callous disregard for the law and for Plaintiff's rights.

22 72. Plaintiff seeks damages pursuant to Title VII of the Civil Rights Act, in the form of all
23 lost wages and compensation incurred as a result of Defendant's discriminatory conduct and
24 its violations of the law; interest on all amounts due to her; costs and attorneys' fees; and
25 punitive damages as authorized by Title VII.

26 ///

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1 **CLAIM TWO: VIOLATIONS OF WLAD**

2 **Sex Discrimination**

3 73. Plaintiff reasserts and incorporates by reference all paragraphs, as though fully set
4 forth herein again.

5 74. The acts and allegations set out herein constitute violations of the Washington Law
6 Against Discrimination (WLAD), RCW ch. 49.60.

7 75. Plaintiff has sustained and continues to sustain damages as a result of Defendant's
8 discriminatory conduct.

9 76. Defendant's unlawful conduct has been and is deliberate, willful, malicious, and / or
10 conducted in reckless and callous disregard for the law and for Plaintiff's rights.

11 77. Plaintiff seeks damages and remedies pursuant to WLAD, RCW ch. 49.60, in the form
12 of all lost wages and compensation incurred as a result of Defendant's continuing
13 discriminatory conduct; interest on all amounts due to her; costs and attorneys' fees; and any
14 other equitable or other remedy authorized by the Court as and under Title VII, as allowed by
15 WLAD.

16 **CLAIM THREE: VIOLATIONS OF WA-EPA**

17 **Pay Inequity Based on Sex / Denial of Opportunity Based on Sex**

18 78. Plaintiff reasserts and incorporates by reference all paragraphs, as though fully set
19 forth herein again.

20 79. The acts and allegations set out herein constitute violations of the Washington Equal
21 Pay Act (WA-EPA), RCW ch. 49.58.

22 80. Defendant discriminated against Plaintiff on the basis of sex in terms of compensation
23 and opportunities, and denied her equal pay and / or title to that of male employees who are
24 similarly situated and performed similar work.

25 81. Plaintiff has sustained damages as a result of Defendant's discriminatory conduct.

26 82. Defendant's unlawful conduct was willful.

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83. Plaintiff seeks damages and remedies pursuant to WA-EPA, RCW ch. 49.58, in the form of all lost wages and compensation incurred as a result of Defendant's discriminatory conduct; liquidated and / or statutory damages; interest on all amounts due to her; costs and attorneys' fees; and any other equitable or other remedy authorized by RCW ch. 49.58.

**CLAIM FOUR: CONSTRUCTIVE DISCHARGE
IN VIOLATION OF TITLE VII, WLAD, AND WA-EPA**

84. Plaintiff reasserts and incorporates by reference all paragraphs, as though fully set forth herein again.

85. Defendant allowed, perpetuated, and maintained a culture of discrimination and a work environment that was both objectively and subjectively offensive, oppressive, and harassing based on sex. Specific acts include but were not limited to allowing and tolerating displays of pornography in the workplace; making denigrating and belittling comments toward Plaintiff, the women on her team, and the team itself for including women, and also allowing such comments to be made by both management and subordinates; paying women including Plaintiff less than men for the same or substantially similar work; paying women including Plaintiff less than men who held lesser roles and did lesser work; undermining and degrading the work of Plaintiff and her team and the value of their work because the team included women; assigning Plaintiff duties of a subordinate employee because she is a woman and / or because she objected to Defendant's unequal treatment of women; requiring Plaintiff to act as a personal emotional confidante to her male superiors because she is a woman; failing to adequately respond to complaints of sex discrimination and harassment, or to put a stop to the behaviors or address the toxic and discriminatory corporate culture; failing to offer opportunities for advancement to women; and other behaviors that were harassing, degrading, offensive, and hostile based on sex.

86. Plaintiff complained of the above acts and of Defendant's failure to pay women equally with their male counterparts, and its failure to advance women. Plaintiff protested and

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1 objected to Defendant's unlawful practices and to its culture of discrimination. Defendant
2 responded, both during Plaintiff's employment and seemingly afterwards as well, by
3 penalizing and / or retaliating against Plaintiff and by subjecting her to continued
4 mistreatment such as described.

5 87. Defendant did not correct the harassment and mistreatment based on sex, but allowed
6 it to continue and / or to get worse.

7 88. Defendant knowingly and / or intentionally created and allowed acts and conditions of
8 discrimination, harassment , and retaliation in violation of Title VII, WLAD, WA-EPA, and
9 the public policy of the state of Washington as expressed thereby and elsewhere.

10 89. Due to Defendant's perpetuation of harassment and discrimination in the workplace
11 and its refusal to take effective corrective action despite complaints from Plaintiff and others,
12 Plaintiff ultimately had no choice but to quit.

13 90. Plaintiff was motivated to quit because of Defendant's perpetuation of harassment and
14 discrimination in the workplace, its refusal to take effective corrective action, and its
15 retaliatory actions and attitude against her, which were material factors in her decision.

16 91. Plaintiff's decision to quit was reasonable; and a reasonable person subjected to such
17 ongoing unlawful mistreatment would not want to be forced to continue to tolerate it, and
18 would therefore have no choice but to quit.

19 92. Plaintiff has suffered damages as a result of Defendant's perpetuation of a hostile and
20 offensive work environment, and is due lost / back wages as a result of Defendant's actions
21 and conduct.

22 93. Plaintiff seeks damages for her lost / back wages as authorized by Title VII, WLAD,
23 WA-EPA, and / or the common law of Washington; interest on all amounts due to her; costs
24 and attorneys' fees under those and other applicable wage laws of Washington; and any other
25 equitable or other remedy authorized by law and deemed appropriate by this Court.

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1 **V. DAMAGES**

2 94. Plaintiff is entitled to all lost and unpaid wages and compensation incurred as a result
3 of Defendant's discriminatory conduct and its violations of Title VII, WLAD, and WA-EPA,
4 in an amount to be determined by a jury at trial and after discovery is complete, but initially
5 estimated at not less than \$35,000.00.

6 95. Plaintiff is entitled to further damages for her back pay / lost wages as a result of
7 Defendant's perpetuation of a hostile work environment and its constructive discharge of
8 Plaintiff in violation of Title VII, WLAD, WA-EPA, and / or the public policy of Washington,
9 in an amount to be determined by a jury at trial and after discovery is complete, but initially
10 estimated at not less than \$45,000.00.

11 96. Plaintiff is entitled to all and any other monetary reimbursements and / or out-of-
12 pocket expense reimbursements due to her as a result of Defendant's unlawful conduct and
13 practices that are authorized by Title VII, WLAD, and WA-EPA, in amounts to be determined
14 by a jury at trial and after discovery is complete.

15 97. Plaintiff is entitled to punitive damages as authorized by Title VII, up to the maximum
16 amount so authorized under Title VII and / or 42 USC 1981a.

17 98. Plaintiff is entitled to liquidated and / or statutory damages as authorized by WA-EPA.

18 99. Plaintiff is entitled to pre- and post-judgment interest on any and all amounts awarded.

19 100. Plaintiff is entitled to her costs, disbursements, and attorney fees pursuant to Title VII,
20 WLAD, and WA-EPA.

21 101. Plaintiff is entitled to damages for the tax consequences of any damage award.

22 102. Plaintiff reserves the right to seek any other available relief, including injunctive relief
23 or other equitable relief as authorized by law.

24 103. Plaintiff reserves the right to seek relief and remedies for any defense or counterclaim
25 asserted by Defendant in bad faith and / or without foundation, including but not limited to
26 any costs or fees incurred.

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VI. JURY DEMAND

2. 104. Plaintiff requests trial by jury on all claims and all issues.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment against Defendant for:

1. All lost / unpaid wages;
 2. Further compensatory damages for Plaintiff's back pay / lost wages;
 3. Liquidated / statutory damages;
 4. Costs, disbursements, and attorneys' fees;
 5. Pre- and post-judgment interest;
 6. Tax consequences of any general damage award; and
 7. Any other relief deemed appropriate by the Court.

DATED: December 23, 2020.

s/ Leslie E. Baze
LESLIE E. BAZE, OSB 103326, WSB 45781
lbaze@wageclaim.org
Attorney for Plaintiff

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SCHUCK LAW, LLC
208 E 25th Street • Vancouver, WA 98663
Tel (360) 566-9243 • Fax (503) 575-2763